

REMARKS

The present amendment is being filed to amend an existing claim and to add claims. A Request for Continued Examination ("RCE") is concurrently being filed to facilitate the entry of the present amendment after allowance.

Regarding claim 76, claim 76 is amended so that the term "programming" is replaced by the broader term "configuring" both of which are believed to be supported by supporting description at e.g., paragraphs 67-70 and in the referenced drawings referenced in that section.

Regarding new claims 129-132, new claim 129 recites subject matter similar to claim 76 with notable differences. First, in new claim 129 relative to claim 76, reference to a display component control instruction is deleted. Also in claim 129, the acoustic related component control instruction is recited using more generic terms. The acoustic output device component control instruction is recited more generically so as not to require a series of beeps. Further, the acoustic output component control instruction is defined as an instruction causing actuation of an acoustic output device without image data being captured. Still further, new claim 129 refers to a host processor user interface having a display. Such a feature is believed to be supported at least by Fig. 9 and the associated description.

In an office action dated April 15, 2005, a previous version of claim 76 was rejected over the combination of U. S. Patent No. 5,821,523 to Bunte et al. ("Bunte") and U. S. Patent No. 5,510,606 to Worthington ("Worthington"). Worthington appears to have disclosure relating to a system in which codes for invoking voice prompts can be wirelessly sent from a host to an optical reader (see column 5, line 55 to column 6, line 11). Worthington also relates to a display equipped optical reader having a wireless interface for providing wireless communication between an optical reader and a host processor. However, claim 129 is believed to be distinguished from Worthington at least for the reason that there does not appear to be a teaching or suggestion in Worthington of a host processor of the type having a user interface including a display

as is recited in new claim 129. Regarding dependent claim 132 there does not appear to be a teaching or suggestion in Worthington of a component control instruction being sent in response to receipt of a command entered by a user of a host processor as recited in claim 129. Regarding dependent claims 130-132, dependent claims 130-132 are believed to be allowable as being dependent on an allowable base claim and for the additional combination of elements they recite.

Regarding new claims 133-136, new claims 133-136 recite a combination of elements similar to those recited in claim 129, together with additional elements. New claim 133 recites a method for signaling an alarm condition to an operator of a hand held optical reader including the step of configuring the hand held optical reader to receive a light source component control instruction and an acoustic output device component control instruction. Claim 133 also references a hand held optical reader configured to receive an image capture component control instruction and a frame upload component control instruction. The combination recited in claim 133 is particularly useful in an environment wherein an alarm condition may be signaled. According to the combination recited in claim 133, a user of a spaced apart host processor cannot only signal an alarm condition but can also upload frames of image data in the field of view of the optical reader including a representation of the area in which the alarm condition is signaled to potentially discern, through visual analysis of the image data, information respecting the alarm condition.¹ Regarding dependent claims 134-136, dependent claims 134-136 are believed to be allowable for the reason that they depend on an allowable base claim and for the additional combination of elements they recite.

Applicants note that in copending U. S. Patent Application No. 11/073,531, applicants' claims make reference to image capture and image upload instructions similar to those referenced in new claim 133. The applicants respectfully request the Examiner to consider again the claims of U. S. Patent Application No. 11/073,531 for double patenting conflicts particularly in view of new claims 133-136.

Regarding the arguments presented herein and in previous responses, it should be noted that while the applicants herein may have highlighted a particular claim element of a claim for purposes of demonstrating an insufficiency of an examination on the part of an Examiner, the applicants highlighting of a particular claim element for such limited purpose should not be taken to indicate that the applicants have taken the position that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present.

None of the amendments presented herein contain new matter.

Accordingly, in view of the above amendments and remarks, applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

¹ In this section applicants do not reference elements of the claimed invention; but rather describe advantages that may be exhibited by the particular combination of a particular claim.

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